

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,
ex rel. DAVID MOORE, and
STATE OF CALIFORNIA,
ex rel. DAVID MOORE, and
STATE OF DELAWARE,
ex rel. DAVID MOORE, and
DISTRICT OF COLUMBIA,
ex rel. DAVID MOORE, and
STATE of FLORIDA,
ex rel. DAVID MOORE, and
STATE of ILLINOIS,
ex rel. DAVID MOORE, and
STATE of INDIANA,
ex rel. DAVID MOORE, and
STATE of MICHIGAN,
ex rel. DAVID MOORE, and
STATE OF NEVADA,
ex rel. DAVID MOORE, and
STATE OF NEW MEXICO,
ex rel. DAVID MOORE, and
STATE OF NEW YORK,
ex rel. DAVID MOORE, and
STATE OF TENNESSEE,
ex rel. DAVID MOORE, and
STATE OF TEXAS,
ex rel. DAVID MOORE

Plaintiffs,

v.

GLAXOSMITHKLINE, LLC,

Defendant.

Case No. 06-6047-CV
Hon. Brian M. Cogan

**Notice of Motion
Oral Argument Requested**

PLEASE TAKE NOTICE that, upon the accompanying Defendant

GlaxoSmithKline, LLC's Memorandum of Law in Support of its Motion to Dismiss Relator's
Second Amended Complaint, submitted herewith, and all the prior pleadings and proceedings

had herein, the undersigned will move this Court, before the Honorable Brian M. Cogan, at the United States District Court, 225 Cadman Plaza East, Brooklyn, New York 11201, on such date and time as the Court sets, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and individual state laws dismissing the claims against Defendant *GlaxoSmithKline, LLC* in their entirety, with prejudice, and for such other relief as the Court deems just, reasonable and proper.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda shall be served on the undersigned on or before February 28, 2013.

Dated: February 14, 2013

Respectfully submitted,

/s/ Jason Brown
Jason Brown (SB7824)
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